

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALOYSIOUS WELLS,

Defendant.

**CR-12-100-GF-BMM**

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS**

United States Magistrate Judge John Johnston conducted a revocation hearing in this matter on February 19, 2019. (Doc. 64.) The United States accused Defendant Aloysious Wells of violating his conditions of supervised release by: 1) using and possessing a controlled substance; 2) failing to follow the instructions of his probation office; 3) using methamphetamine; 4) submitting an improper urine sample for testing; 5) failing to report for sex offender treatment; and 6) failing to report for substance abuse testing. (Doc. 63 at 2-4.) Wells admitted to all six violations of his supervised release. (Doc. 65 at 2-3.)

Judge Johnston entered Findings and Recommendations on February 21, 2019. (Doc. 65.) Judge Johnston recommended that the Court revoke Wells' supervised release. *Id.* at 3. Judge Johnston recommended that the Court commit

Wells to the custody of the Bureau of Prisons for period of 3 months, followed by 117 months of supervised release. *Id.* Judge Johnston further recommended that Wells spend the first 60 days of his supervised release at Connections Corrections in Butte, Montana. *Id.* Judge Johnston recommended that the supervised release conditions previously imposed be continued. *Id.*

Wells waived his right to object to Judge Johnston's Findings and Recommendations. *Id.* at 4. The Government did not file an objection. The Court will review Judge Johnston's Findings and Recommendations for clear error. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no clear error in Judge Johnston's Findings and Recommendations. Wells's violations represent a serious breach of the Court's trust. A custodial sentence of 3 months followed by 117 months supervised release, with the first 60 days of Wells's supervised release spent at Connections Corrections in Butte, Montana, is a sufficient, but not greater than necessary sentence.

**IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 65) is **ADOPTED IN FULL**.

**IT IS FURTHER ORDERED** that Defendant Aloysious Wells is sentenced to 3 months in custody with 117 months of supervised release to follow. Wells

shall spend the first 60 days of his supervised release at Connections Corrections in Butte, Montana.

DATED this 22<sup>nd</sup> day of February, 2019.

A handwritten signature in blue ink that reads "Brian Morris". The signature is fluid and cursive, with "Brian" on top and "Morris" below it, both starting with a capital letter.

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Brian Morris  
United States District Court Judge

